

TOWN OF MARSHFIELD
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
& WARRANT FOR ELECTION OF TOWN OFFICERS

Marshfield's Annual Town Meeting was called to order on Monday, April 27, 2015 at Marshfield High School. The meeting was convened at 7:00PM. Annual Town Meeting was adjourned at 7:10PM and Special Town Meeting was convened. All seven articles were completed. Special Town Meeting was dissolved at 8:10. Annual Town Meeting was reconvened on April 28, at 7:00 and dissolved at 10:45PM. Articles 1-6, 9,22,25,8,26,27,11,19,20,14,15,16,17,12,23,10,7,18,13,21and 24 were completed.

Town Meeting workers included: Rogene Baryski, Kay Ramsey, Charlotte Keith, Susan Flynn, Ann Studley, Terry Wening, Barry Bartlett, Narice Casper and Doreen Giles. Counters were Jim Haddad, Jim Creed, Barry Bartlett, Barry Cornwall, Doreen Giles, Otis Carney, Jack Braithwaite, Reed Stewart, Madelyn McDonald, Ann Marie Sacchetti, Barbara Carney, and Bert O'Donnell.

ARTICLE 1 The Town **VOTED** to receive the reports of the Town Officers and Committees and to act anything relative thereto.

PASSED BY MAJORITY

ARTICLE 2 The Town **VOTED** to establish the salaries and compensation of all elected Town Officers for fiscal year 2016 or act on anything relative thereto:

Selectmen	\$3,417	(Chairman \$1,229, 2 members \$1,094)
Assessors	3,687	(Chairman \$1,363, 2 members \$1,162)
Public Works	2,180	(Chairman \$816, 2 members \$682)
Planning Board	1,120	(Chairman \$320, 4 members \$200)
Board of Health	1,460	(Chairman \$576, 2 members \$442)
Town Clerk	56,692	
Moderator	<u>92</u>	
	\$68,648	

PASSED BY MAJORITY

ARTICLE 3 The Town **VOTED** to raise and appropriate, transfer from available sums, including the Water, Wastewater or Solid Waste Enterprise Funds, borrow, including from the Water, Wastewater or Solid Waste Enterprise Funds, or otherwise provide the sums recommended, or any other sum or sums, for Capital Outlay as set forth in the following schedule or act on anything relative thereto. (See Appendix A for current debt information.)

Department	Project/Program	FY16	CBC Recomm	Funding Source
Assessors	Replacement of Assessor SUV	35,000	0	
Council On Aging	Add 18 Parking Spaces	130,000	0	
Council On Aging	Design Development Study 2nd Floor, Senior Center	25,000	0	
Council On Aging	Construction of 2nd Floor Senior Center		0	
Council On Aging	Replace 12 passenger van		0	
Council On Aging	Replace Carpeting First Floor		0	
Fire Department	Replace Engine 3 - 1993 KME 1250 Pump	507,993	0	
Fire Department	Replace Paramedic Unit - 2005 Ford	255,000	0	
Fire Department	Replace Car C-2 2009 Ford Explorer	35,537	0	
Fire Department	Upfit and Repower SAFE Boat	80,080	0	
Fire Department	Replace Self Contained Breathing Apparatus		0	
Fire Department	Replace Firefighting Protective Equipment		0	
Fire Department	Replace Car C-1 2012 Chevrolet Tahoe		0	
Fire Department	Replace Paramedic Unit - 2008 Ford		0	
Fire Department	Replace Quint -1 2001 KME 100 ' Aerial/ 1500 Pump		0	
Fire Department	Replace Service Truck 2013 Chevrolet Pick Up		0	
Fire Department	Refurbish 2008 Emergency One 1250 pump		0	
Fire Department	Replace Firefighting Protective Equipment		0	
Fire Department	Replace Engine 5 - 1999 KME 1250 Pump		0	
Fire Department	Replace Engine 4 - 2000 KME 1250 Pump		0	
Fire Department	Replace Car C-3 2014 Ford Explorer		0	
Harbormaster	Permitting & Engineering for So. River dredging w/ Scituate	10,000	0	
Harbormaster	Damon's point float/Gangway replacement	35,000	0	

Department	Project/Program	FY16	CBC Recomm	Funding Source
Harbormaster	Fleet overhaul, mechanical & equipment upgrades		0	
Harbormaster	Unit 3 (workboat replacement)		0	
Harbormaster	Work truck replacement		0	
Harbormaster	Unit 2 patrol boat replacement		0	
Information Tech	VMware Desktop Virtualization		0	
Information Tech	Infrastructure Upgrade - LAN			
	WAN upgrades	229,000	0	
Information Tech	Digital Imaging		0	
Information Tech	GIS Data Collection		0	
Information Tech	Mobile Management Application		0	
Information Tech	Workstation SW/HW upgrades		0	
Library	French Drains	48,231	0	
Library	Window Replacement	32,316	0	
Library	Carpeting	42,000	0	
Library	Restrooms	50,472	0	
Library	Children's Room Expansion	2,000,000	0	
School Department	K - 6 English Language Arts Program/Textbook Adoption - SW	581,134	0	
School Department	Resilient Flooring/Asbestos Flooring Abatement - SR, DW, EW, GW	100,000	0	
School Department	21st Century Technology - SW	775,000	0	
School Department	Special Education Vehicles	70,000	0	
School Department	Replacement of Gymnasium Bleachers - MES	25,000	0	
School Department	ADA Work - GW, DW, EW, SR		0	
School Department	Bituminous Paving/Curbing - GW, DW, SR, MES		0	
DPW - Cemetery	Replace PU Truck #15 with 2500PU	38,000	0	
DPW - Cemetery	Replace PU Truck #33 with F350 w/crew	38,000	0	
DPW - Cemetery	1 Ton Dump Truck	67,000	0	
DPW - Engineering	Mill Pond Lane Dam Repair	100,000	0	
DPW - Engineering	Damons Pt Dam Sluice Way	65,000	0	
DPW - Highway	Replace Truck 152	67,000	0	

Department	Project/Program	FY16	CBC Recomm	Funding Source
DPW - Highway	Road Reconstruction	250,000	0	
Grand Total General Fund		5,691,763	0	
Wastewater	Collection System Repairs	150,000	0	
Wastewater	Outfall system repairs	400,000	0	
Wastewater	Truck #157 w/ sander	210,000	0	
Wastewater	UV Disinfection & filter NPDES compliant	150,000	0	
Total Wastewater Enterprise Fund		910,000	0	
Solid Waste	Transfer Station Scale	100,000	0	
Total Solid Waste Enterprise Fund		100,000	0	
Water	Meter Replacement	100,000	0	
Water	Well Cleaning and Rehabilitation	45,000	0	
Water	Replace JD Backhoe #93	175,000	0	
Total Water Enterprise Fund		320,000	0	
Grand Total - All Funds		7,021,763	0	

PASSED BY MAJORITY VOTE

ARTICLE 4 The Town **VOTED** to establish revolving funds for certain Town Departments under Massachusetts General Law, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2015, with the specific receipts credited to each fund the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows, or take any other action relative thereto:

Authorize d to Spend	Revolving Fund	Revenue Source	Use of Fund	FY 2016 Available Spending Balance	Disposition of FY15 Funds
Beach Commissi on	Beaches	Fees charged for beach stickers, parking at public beach lots and snack bar operations.	Part-time salaries, supplies, other charges and expenses of the beach operations.	300,000	Available for Expenditure

Authorized to Spend	Revolving Fund	Revenue Source	Use of Fund	FY 2016 Available Spending Balance	Disposition of FY15 Funds
DPW	Playing Field Rentals	Fees charged for rental of playing fields.	Part-time salaries, supplies, other charges and expenses of the playing field operations.	25,000	Available for Expenditure
School Committee	High School Graphic Arts Program	Fees charged for the graphic arts program.	Part-time staff, supplies and equipment for the program.		Transfer to School Revolving account (c 71, §47)
School Committee	High School Restaurant Program	Fees charged for the restaurant program.	Part-time staff, supplies and equipment for the program.		Transfer to School Revolving account (c 71, §47)
School Committee	Boat Building Program	Fees charged for the activities of the boat building program.	Part-time staff, supplies and equipment for the program.		Transfer to School Revolving account (c 71, §47)
School Committee	Integrated Pre-school Program	Fees charged for the activities of the integrated pre-school program.	Part-time staff, supplies and equipment for the program.	150,000	Available for Expenditure
School Committee	Community Education Program Fund	Fees charged for summer school and adult education.	Services of the continuing education program staff, supplies and equipment.		Transfer to School Revolving account (c 71, §71E)
School Committee	Driver Education Program Fund	Fees charged for Driver education program.	Driver education staff, supplies, and equipment.		Transfer to School Revolving account (c 71, §47)

Authorized to Spend	Revolving Fund	Revenue Source	Use of Fund	FY 2016 Available Spending Balance	Disposition of FY15 Funds
School Committee	Student Parking Fund	Fees charged to students for parking.	Expenses associated with school parking lot maintenance and monitoring.		Transfer to School Revolving account (c 71, §47)
Council on Aging	GATRA Bus	Reimbursement for Services	Expenses associated with transportation services for COA	85,000	Available for Expenditure
Selectmen	Seth Ventress Rental	Fees for Rental of Seth Ventress Building	Expenses associated with maintenance of the Seth Ventress Building		Transfer to G/F and close
School Committee	TURF Fields	Rental Fees for Fields	Maintenance of TURF Fields	25,000	Available for Expenditure
Recreation Commission	Recreation	Fees charged for Recreational Activities	Recreational Program Expenses	300,000	Available for Expenditure
			Total	885,000	

In accordance to Massachusetts General Laws Chapter 44 Section 53E 1/2, receipts and expenditures are reported as follows:

<u>Revolving Fund</u>	<u>Beg Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Ending Balance</u>
Beaches:				
7/1/13-6/30/14	117,003.14	275,677.43	249,349.55	143,331.02
7/1/14-12/31/14	143,331.02	145,959.35	167,366.73	121,923.64
Playing Field Rentals:				
7/1/13-6/30/14	5,957.66	21,345.00	11,405.44	15,897.22
7/1/14-12/31/14	15,897.22	3,193.75	6,798.25	12,292.72

High School Graphic Arts:				
7/1/13-6/30/14	3,357.63	38,325.20	33,288.62	8,394.21
7/1/14-12/31/14	8,394.21	16,883.03	19,871.96	5,405.28
High School Restaurant Program:				
7/1/13-6/30/14	17,337.86	16,634.10	15,762.77	18,209.19
7/1/14-12/31/14	18,209.19	1,754.50	9,895.62	10,068.07
Boat Building Program:				
7/1/13-6/30/14	1,655.74	5,340.00	5,064.25	1,931.49
7/1/14-12/31/14	1,931.49	3,050.00	3,665.44	1,316.05
Integrated Pre-School Program:				
7/1/13-6/30/14	48,387.73	131,947.50	39,661.17	140,674.06
7/1/14-12/31/14	140,674.06	50,339.90	64,690.81	126,323.15
Community Education Program:				
7/1/13-6/30/14	11,055.91	40,620.00	35,456.15	16,219.76
7/1/14-12/31/14	16,219.76	26,375.00	26,845.37	15,749.39
Driver Education Program:				
7/1/13-6/30/14	17,922.47	67,650.00	79,852.60	5,719.87
7/1/14-12/31/14	5,719.87	38,900.00	30,434.47	14,185.40
Student Parking Fund:				
7/1/13-6/30/14	13,965.02	24,010.00	33,810.56	4,164.46
7/1/14-12/31/14	4,164.46	16,388.57	10,231.96	10,321.07
Gatra Bus				
7/1/13-6/30/14	50,626.55	79,640.87	109,476.83	20,790.59
7/1/14-12/31/14	20,790.59	47,505.40	32,286.38	36,009.61
Seth Ventress Rental				
7/1/13-6/30/14	660.00	0.00	0.00	660.00
7/1/14-12/31/14	660.00	0.00	0.00	660.00
Turf Fields				
7/1/13-6/30/14	0.00	16,416.25	0.00	16,416.25
7/1/14-12/31/14	16,416.25	19,325.81	25,186.22	10,555.84
Recreation				
7/1/13-6/30/14	366,430.12	250,165.93	311,844.99	304,751.06
7/1/14-12/31/14	304,751.06	97,340.66	180,922.66	221,169.06

PASSED BY MAJORITY VOTE

ARTICLE 5 The Town **PASSED OVER** a vote to transfer a sum of money into the Stabilization Fund or take any other action relative thereto.

PASSED OVER 2/3 VOTE

ARTICLE 6 The Town **VOTED** to raise and appropriate the sum of **\$93,487,724** to defray Town expenses and charges, including without limitation, debt and interest, wages, salaries, reserve funds, and expenses for operations for the Town's departments and offices in the manner set forth in Article 6 of 2015 Annual Town Meeting Warrant on pages 7 through 12 for Fiscal Year 2016 (beginning July 1, 2015 and ending on June 30, 2016). And to meet said appropriation of \$93,487,724:

\$84,452,609 for the General Fund:

Raise and appropriate \$82,341,942 from the tax levy and other receipts.

Appropriate \$618,348 from Reserved for Appropriation accounts as follows:

\$30,000	Waterways Improvement Fund
\$20,000	Wetland Protection Fund
\$20,000	Licensing & Keeping of Dogs
\$20,000	Cemetery Perpetual Care Interest
\$528,348	Debt Excluded Bond Premium

Transfer for indirect costs:

\$517,260	from Wastewater Enterprise Fund User Charges
\$691,047	from Water Enterprise Fund User Charges
\$284,012	from Solid Waste Enterprise Fund User Charges

\$2,783,302 for the Wastewater Enterprise Fund

Raise and appropriate \$1,969,802 from User Charges

Raise and appropriate \$548,500 from other departmental revenue and interest

Appropriate \$265,000 from Retained Earnings

\$3,400,241 for the Water Enterprise Fund

Raise and appropriate \$3,000,241 from User Charges

Raise and appropriate \$200,000 from other departmental revenue and interest

Appropriate \$200,000 from Retained Earnings

\$2,851,572 for the Solid Waste Enterprise Fund

Raise and appropriate \$2,144,572 from User Charges

Raise and appropriate \$232,000 from other departmental revenue and interest

Raise and appropriate \$200,000 from Pay As You Throw

Appropriate \$275,000 from Retained Earnings

Department			FY14 Actual	FY15 Approp	Advisory Bd Recommends
121	Moderator	Elected Officials	92	92	92
122	Selectmen	Elected Officials	3,417	3,417	3,417
122	Selectmen	Personnel	260,025	263,890	268,161
122	Selectmen	Expenses	186,579	216,900	211,900
	Total		450,021	484,207	483,478
135	Accounting	Personnel	180,419	180,478	177,185
135	Accounting	Expenses	4,558	5,300	5,300
	Total		184,977	185,778	182,485
141	Assessors	Elected Officials	3,687	3,687	3,687
141	Assessors	Personnel	223,680	223,840	218,416
141	Assessors	Expenses	70,730	69,750	70,900
	Total		298,097	297,277	293,003
145	Treasurer/Collector	Personnel	350,546	366,748	356,035
145	Treasurer/Collector	Expenses	36,271	47,094	40,275
	Total		386,817	413,842	396,310
151	Legal/Court Judgments	Expenses	211,343	165,000	164,000
155	MIS/IT	Personnel	157,415	157,416	92,675
155	MIS/IT	Expenses	168,205	169,547	170,717
	Total		325,621	326,963	263,392
161	Town Clerk	Elected Officials	55,580	55,580	56,692
161	Town Clerk	Personnel	52,160	53,221	42,648
161	Town Clerk	Expenses	3,536	4,110	4,110
	Total		111,276	112,911	103,450
162	Elections/Town Meeting	Personnel	0	0	10,000
162	Elections/Town Meeting	Expenses	31,991	56,990	31,900
	Total		31,991	56,990	41,900

Department			FY14 Actual	FY15 Approp	Advisory Bd Recommends
171	Conservation	Personnel	109,512	113,448	111,770
171	Conservation	Expenses	8,770	12,768	12,768
	Total		118,282	126,216	124,538
175	Planning Board	Elected Officials	920	1,120	1,120
175	Planning Board	Personnel	114,841	125,801	127,297
	Planning Board	Expenses	1,806	2,298	1,700
	Total		117,567	129,219	130,117
176	Board of Appeals	Personnel	28,510	28,645	29,139
176	Board of Appeals	Expenses	588	1,880	1,350
	Total		29,097	30,525	30,489
General Government Total			2,265,181	2,329,020	2,213,254
210	Police Department	Personnel	4,122,778	4,411,579	4,503,292
210	Police Department	Expenses	268,714	314,832	314,832
	Total		4,391,492	4,726,411	4,818,124
220	Fire Department	Personnel	4,295,430	4,670,446	4,676,407
220	Fire Department	Expenses	293,299	264,717	283,946
	Total		4,588,729	4,935,163	4,960,353
241	Building Department	Personnel	250,379	251,390	240,547
241	Building Department	Expenses	7,272	7,384	7,384
	Total		257,651	258,774	247,931
244	Sealer of Weights	Expenses	5,000	5,000	5,000
292	Animal Control	Personnel	54,294	64,199	63,266
292	Animal Control	Expenses	18,899	10,064	7,564
	Total		73,194	74,263	70,830
293	Animal Inspector	Personnel	1,800	1,800	2,500
295	Harbormaster	Personnel	93,000	93,000	94,500
295	Harbormaster	Expenses	50,500	50,500	58,500
	Total		143,500	143,500	153,000

Department			FY14 Actual	FY15 Approp	Advisory Bd Recommends
Public Safety Total			9,461,366	10,144,911	10,257,738
Education Total			42,604,906	43,597,966	44,137,939
400	DPW	Elected Officials	2,180	2,180	2,180
400	DPW	Personnel	1,702,463	1,667,165	1,750,326
400	DPW	Expenses	529,973	584,888	449,681
	Total		2,234,615	2,254,233	2,202,187
424	Fuel	Expenses	450,300	450,300	454,803
Department Public Works Total			2,684,915	2,704,533	2,656,990
510	Board of Health	Elected Officials	1,460	1,460	1,460
510	Board of Health	Personnel	191,899	198,494	183,778
510	Board of Health	Expenses	24,041	24,663	24,840
	Total		217,400	224,617	210,078
541	Council on Aging	Personnel	171,969	189,824	190,912
541	Council on Aging	Expenses	25,417	24,828	24,140
	Total		197,385	214,652	215,052
543	Veterans' Services	Personnel	81,124	94,304	95,602
543	Veterans' Services	Expenses	337,943	387,441	360,708
	Total		419,067	481,745	456,310
Health & Human Services Total			833,853	921,014	881,440
610	Library	Personnel	520,878	560,173	543,303
610	Library	Expenses	112,751	160,715	151,691
	Total		633,630	720,888	694,991
630	Recreation		0	0	0

Department			FY14 Actual	FY15 Approp	Advisory Bd Recommends
660	Veterans Memorial	Personnel	7,764	7,150	0
660	Veterans Memorial	Expenses	4,236	4,850	16,000
	Total		12,000	12,000	16,000
691	Historical Commission	Expenses	2,170	3,780	3,780
693	Clam Flats	Personnel	1,626	2,000	1,000
693	Clam Flats	Expenses	749	1,000	1,000
	Total		2,375	3,000	2,000
Culture & Recreation Total			650,174	739,668	716,771
123	Facilities	Personnel	107,168	166,000	165,431
123	Facilities	Expenses	182,010	152,000	299,678
132	Reserve Fund		98,744	100,000	100,700
149	Audit/Payroll/OPEB		60,000	55,000	105,000
423	Snow & Ice		698,400	400,000	400,000
910	General Insurance		663,010	686,549	825,500
911	Retirement		4,458,347	4,753,698	5,135,671
912	Health & Life Insurance Unemployment		5,484,466	5,502,329	5,549,962
913	Comp		115,323	100,000	125,000
914	Medicare		689,000	706,225	713,287
Fixed Costs Total			12,556,468	12,621,801	13,420,229
705	Non Excluded		3,401,110	3,229,128	3,920,891
710	Excluded		4,923,865	4,655,671	5,820,108
715	Other		49,654	108,968	65,000
Debt Total			8,374,629	7,993,767	9,805,999
940	Unclassified	Personnel	992	1,000	1,000
940	Unclassified	Expenses	58,291	30,000	22,500
	Total		59,283	31,000	23,500
924	Utilities		417,521	375,000	338,749

Department	FY14 Actual	FY15 Approp	Advisory Bd Recommends
Unclassified Total	476,804	406,000	362,249
Total General Fund Budget Appropriation	79,908,295	81,458,680	84,452,609
Wastewater Salaries	820,906	865,598	925,153
Wastewater Expenses	1,190,081	923,500	932,735
Wastewater Debt Service	785,716	845,923	825,414
Wastewater Emergency Reserve	0	100,000	100,000
Total Wastewater Enterprise Budget	2,796,703	2,735,021	2,783,302
Water Salaries	1,079,262	1,157,994	1,183,779
Water Expenses	1,069,730	911,730	920,848
Water Debt Service	1,230,957	1,149,683	1,195,614
Water Emergency Reserve	0	100,000	100,000
Total Water Enterprise Budget	3,379,950	3,319,407	3,400,241
Solid Waste Salaries	530,309	611,412	609,303
Solid Waste Expenses	2,058,707	1,946,999	2,192,269
Solid Waste Debt Service	0	60,000	0
Solid Waste Emergency Reserve	0	50,000	50,000
Total Solid Waste Enterprise Budget	2,589,016	2,668,411	2,851,572
Grand Total All Budgets	88,673,964	90,181,519	93,487,724

PASSED BY MAJORITY VOTE

ARTICLE 7 The Town **VOTED** to raise and appropriate the sum of \$75,000 from free cash to be transferred to the Other Post-Employment Benefits Liability Trust Fund as established at the April 2009 Special Town Meeting.

PASSED BY MAJORITY VOTE

ARTICLE 8 The Town **VOTED** to raise and appropriate the sum of \$3,000 to fund the following non-profit organizations which provide services to Marshfield residents:

1. Carolina Hill Shelter: \$500
2. South Shore Women's Resource Center: \$500
3. South Coastal Counties Legal Services Inc.: \$500
4. Health Imperatives Inc.: \$500
5. Clift Rogers Free Library: \$500
6. YWCA Marshfield Branch: \$500

PASSED BY MAJORITY VOTE

ARTICLE 9 The Town **VOTED** to amend Article 92 Personnel Classification and Compensation Bylaw by adding the following positions to Section 11. Position Classes and Compensation Schedules;

Schedule A

General Government Positions

A) Deputy DPW Superintendent Grade 15

PASSED BY MAJORITY VOTE

ARTICLE 10 The Town **VOTED** to accept, pursuant to Mass. Gen. L.c.4§4, the provisions of Mass. Gen.L.c.64L, § 2 authorizing the imposition of a local sales tax upon the sale of restaurant meals in the statutory amount of .75% on meals originating within the Town or take any other action relative thereto.

**PASSED BY MAJORITY VOTE
YES 101 – NO 36**

ARTICLE 11 The Town **VOTED** to raise and appropriate, and/or borrow in anticipation of receipt of gran(s) or reimbursements, in accordance with M.G.L. Chapter 44 Sections 4 and 6A any sum or sums of money to be used with such sum or sums as may be available from the State Highway Fund (or more commonly referred to as Chapter 90 Fund) , together with the provisions of easement for the payment of damages and expenses in connection herewith, as well as to authorize the transfer and use for said purposes of any unused balances or take any other action relative thereto.

PASSED BY MAJORITY VOTE

ARTICLE 12 The Town **PASSED OVER** deleting in its entirety Article 34 as written and replace it with a new article entitled: Snow Removal, Sidewalks and Streets

Section 1. The Board of Public Works may institute a town wide winter parking ban at anytime from December 1 thru April 1 of each year whenever the Board of Public Works

or their designee declares a weather related emergency in the Town in regard to plowing or snow removal or at any other time of year when there is a weather related emergency, and it shall be unlawful for the owner, operator or person in charge of any vehicle to park such vehicle on any public street or way in the Town for the duration of the emergency. (Vehicles acting in an emergency capacity are exempt from this by-law).

a) Violation of Section 1 shall be punishable by a fine of one hundred dollars (\$100.00) for each offense and said vehicle shall be towed at the owner's expense from the public street or way.

b) Section 1 shall be enforced on behalf of the Town by its Police Department. They shall have the right to issue a citation to any and all persons in violation of this section and authorize the removal of said vehicle.

Section 2. No person shall by any means plow, push or discharge in any way, snow or ice onto any public way in the Town from adjoining private property so as cause a hazard to public safety.

a) Violation of Section 2 shall be punishable by a fine of three hundred dollars (\$300.00) for each offense.

b) Section 2 shall be enforced on behalf of the Town by its Police Department. They shall have the right to issue a citation to any and all persons in violation of this section.

Section 3. It shall be a commercial/business property owner's responsibility to remove all the snow from a sidewalk which abuts their property within twenty-four (24) hours from the end of the storm after the street is cleared by the Town. Said property owner shall keep the sidewalk clear and passable.

a) Violation of Section 3 shall be punishable by a fine of one hundred dollars (\$100.00) for each offense .

b) Section 3 shall be enforced on behalf of the Town by its Police Department. They shall have the right to issue a citation to any and all persons in violation of this section and authorize the removal of said vehicle.

Section 4. This By-Law may also be enforced by the non-criminal procedures allowed by M.G.L. Chapter 40 Subsection 21D. The Police Department shall be the enforcing authority of this By-Law.

PASSED OVER BY MAJORITY VOTE

ARTICLE 13 The Town **VOTED** to raise and appropriate a sum of money and/or accept any local, state federal grants to offset the cost for the construction of the new Harbormaster building, and to transfer such funds for the construction of the new Harbormaster facility or take any other action relative thereto.

PASSED BY MAJORITY VOTE

ARTICLE 14 The Town **VOTED** to amend the Marshfield Zoning Bylaws as follows:

1. Amend Article II Definitions by inserting the following new definition (in alphabetical order).

Micro-brewery: A small scale business located in a building where the primary use is for a restaurant, retail or tasting room and which specializes in producing a maximum of fifteen thousand (15,000 barrels/ 465,000 US gallons) of specialty beer, malt liquor, or ale annually and sold for consumption either on or off premises.

PASSED BY 2/3 VOTE

ARTICLE 15 The Town **VOTED** to amend the Marshfield Zoning Bylaws as follows:

2. Amend Article 11, Section 14 Inclusionary Zoning for Affordable Housing by replacing the current language with the following.

Section

11.14 Inclusionary Zoning for Affordable Housing

11.14.1. Purpose: The purpose of this section of the Bylaw is to promote the development of housing that is affordable to Low and Moderate Income Households, meet the requirements of the Local Initiative Program and qualify for inclusion on the Subsidized Housing Inventory.

11.14.2. Applicability:

1. The Inclusionary Zoning Bylaw shall apply to **the R-1 and R-2** districts within the Town of Marshfield, except the Water Resource Protection District.
2. The Inclusionary Zoning Bylaw shall not apply to any development undertaken by the Town of Marshfield for any municipal purposes.
3. The Inclusionary Zoning Bylaw shall not apply to any development carried out under Chapter 40B of the Massachusetts General Laws, as amended.

11.14.3. Voluntary Provision of Affordable Units:

1. The use of this Section of this Bylaw shall be voluntary.

2. The applicant for a special permit, under this Bylaw shall comply with the provisions described in Section 11.14.4 and otherwise comply with this Section of this Bylaw, and the Planning Board shall require such compliance in the Special Permit.

11.14.4. Provision of Affordable Units - Bonuses and Incentives:

1. Affordable Units and Density Bonus - All development which occurs as a result of this Bylaw shall meet the Affordable housing requirements and shall be entitled to a Density Bonus as follows: The number of Affordable units and Density Bonus units shall equal the number of As of Right (AOR) units multiplied by twenty-five (25 %) percent and rounded up to the next even number divided by two. (Example: A 9 unit AOR development will result in 9 AOR units plus 4 units (.25 x 9 units = 2.25 units rounded up to 4 units, 2 Affordable units and 2 Density Bonus units) or 13 units in total. A 31 AOR unit development will result in 31 AOR units plus 8 units (.25 x 31 units = 7.5 units rounded up to 8 units, 4 Affordable units and 4 Density Bonus units) or 39 total units.
2. The requirement for Affordable units shall be met by one or a combination of the following methods:
 - a. On-Site Development - Constructed or rehabilitated on the locus subject to the Special Permit (see Section 11.14.6); or
 - b. Fees-in-Lieu of Construction - The applicant may offer, and the Planning Board, upon receiving a favorable recommendation from the Housing Partnership, may approve fees-in-lieu-of construction of Affordable housing units as satisfying the requirements of Section 4.0 of this Bylaw. The applicant shall make the payment of the fee-in-lieu of construction to the Marshfield Housing Authority for the sole purpose of converting non-Affordable housing units to Affordable housing units in the Town of Marshfield. Fees-in-lieu of construction are more fully addressed in Section 11.14.7.

The applicant may offer, and the Planning Board may accept, a combination of the Section 4.2.a and 4.2.b requirements; provided that in no event shall the total of number of Affordable units provided on site and the number of Affordable units for which a fee-in-lieu of construction is paid be less than the equivalent number or value of Affordable units required for the applicable development by this Bylaw.

All Affordable units shall meet the requirements of the Local Initiative Program for Local Action Units and be eligible for inclusions on the Subsidized Housing Inventory.

3. Location of Affordable Lots - The location of **affordable** lots shall be determined in consultation with the Planning Board during the special permitting process.

11.14.5 Standards and Dimensional Regulations:

1. Applicability - Where the requirements of this section differ from or conflicts with the requirements in the Table of Density and Dimensional Standards found in Article VI of the Town's Zoning Bylaw, the requirement of this section shall prevail for developments being constructed under this section of the Bylaw.
2. Minimum Frontage - The minimum frontage may be reduced from the frontage otherwise required in the Zoning District; provided however that no lot shall have less than 75' of frontage and provided further that such frontage shall apply only to lots fronting on proposed internal roadways.
3. **Lot size - The Planning Board may allow reductions in the minimum lot sizes listed in Article VI, Section 6.10, Table of Dimensional and Density Regulations to allow for the creation of the Affordable and density bonus units, if the Planning Board finds that such reductions will result in better design and improved protection of natural and scenic resources; provided however, that the average lot size in a development shall not be less than 50% of the applicable minimum lot size listed in Article VI, Section 6.10.**
4. Lot shape - All building lots must be able to contain a circle of a minimum diameter of 75' from the front line to the rear building line.
5. Setbacks - The Planning Board may permit a reduction by up to one-half of the setbacks otherwise listed in the Table of Dimensional Regulations in the Zoning Bylaw, if the Board finds after receiving an opinion from the Conservation Commission that such reduction will not affect natural resources, **would** result in better design, improved protection of the natural and scenic resources and will otherwise comply with the Bylaw. Notwithstanding this provision or the requirements of the Zoning Bylaw, every dwelling fronting on the proposed roadways shall be set back a minimum of 15' from the roadway right-of-way, and a minimum of 30' **buffer setback** from the outer perimeter of the land subject to the application. This 30' setback shall be maintained in a naturally vegetated state **or planted to create a** screen and buffer the development. Wherever feasible, construction of the dwelling at the front setback line is encouraged.

The applicant shall provide a narrative describing any requested modifications of setback requirements as specified in Section 11.04 (5.4) of the Zoning

Bylaw and noting the proposed lots for which setback reductions are being sought.

11.14.6 Provisions of Affordable Housing Units On-Site:

1. Location of Affordable Units - All Affordable units shall be situated within and dispersed throughout the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, than the market-rate units. **Affordable lots shall not be smaller than the average lot within the development and shall not have drainage or utilities easements on them.**
2. Minimum Design and Construction Standards for Affordable Units - Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be identical to the market-rate units in size, design, appearance, construction, building systems such as HVAC, electrical and plumbing, and quality and types of materials used in all interior space including bedrooms, kitchen, bathrooms, living rooms, studies, hallways, closets, garages and basements and provided with identical amenities and appliances such as, but not limited to, decks, central vacuum cleaning systems, stoves, refrigerators, compactors, disposals, dishwashers and landscape fencing, walls and plantings unless otherwise approved in the special permit by the Planning Board. No changes to these standards may be made by the Planning Board without the approval of the Housing Partnership.
3. Timing of Construction or Provision of Affordable Units or Lots - Unless otherwise approved by the Planning Board, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of Affordable units be delayed beyond the schedule noted below:

Market-Rate Unit %	Affordable Housing Unit %
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%
Fractions of units shall not be counted.	

Compliance with this requirement shall be monitored by the Building Inspector and the Auditing Agency (see Section 11.14.10), on the basis of building permits issued and occupancy permits requested for both the Affordable housing units and market-rate units. Occupancy permits for any market-rate housing units or nonresidential space shall not be issued if the required Affordable housing units are not being provided in accordance with this schedule.

4. Marketing Plan for Affordable Units - Applicants shall submit a marketing plan which describes the number of Affordable housing units, their approximate sales price or rent level, the means for selecting buyers or tenants of the Affordable units, how the applicant will accommodate Local Preference requirements and the method of affirmatively marketing the Affordable units (including the marketing of such units) to minority households, in a manner that complies with the LIP Guidelines. This requirement is further addressed in Section 11.14.9 of this Bylaw.

The marketing plan shall be developed by the applicant with the assistance of the Lottery Agent and submitted to the Housing Partnership. The Housing Partnership shall review the marketing plan to determine its appropriateness in addressing the Affordable housing needs within the community and its compliance with applicable federal and state statutes and regulations, the LIP Guidelines and this Bylaw. The Housing Partnership may require modifications of the marketing plan or, if it determines the plan to be satisfactory, may forward it to DHCD with a favorable recommendation. Following the approval of the marketing plan by DHCD, the Housing Partnership shall notify the Planning Board and the Lottery Agent. The special permit and building permits may be granted prior to receiving DHCD approval so as to facilitate the construction of the development; however, occupancy permits, whether for Affordable or market-rate units, shall not be issued until such time as the Marketing Plan has been approved by DHCD.

Applicants shall comply with the requirements of the Lottery Agent and certify their acceptance and willingness to comply with the lottery process or other requirements of the Lottery Agent for the selection of qualified housing buyers or renters for the Affordable units. The lottery system and requirements are further addressed in Section 11.14.9 of this Bylaw.

11.14.7. Provision for Fees-in-Lieu-of Construction of Affordable Housing Units

1. Fees-in-Lieu of Construction of Affordable Housing Units - An applicant may propose to pay a fee-in-lieu of construction of Affordable housing units to the Marshfield Housing Authority. The fee-in-lieu of construction shall be for the sole purpose of converting non-Affordable housing units to Affordable housing units in the Town as part of the Local Initiative Program and shall be held in

trust and in separate interest bearing accounts by the Marshfield Housing Authority for such purpose.

2. For each Affordable unit for which a fee-in-lieu of construction is paid, the cash payment per unit shall be equal to **sixty five percent (65%)** of the average price being asked for the market-rate units in the applicable development.
3. The fee-in-lieu of construction shall not result in an increase in the total number of market rate units contained in the application for the special permit approved by the Planning Board.
4. The Marshfield Housing Authority shall submit to the Housing Partnership annually and upon request, reports and other documentation of the use of or its financial accounting for the fees-in-lieu of construction.
5. The Marshfield Housing Authority shall hold all fees-in-lieu of construction of Affordable housing units paid to it and all investment income and profit thereon received by it separately from all other monies of the Marshfield Housing Authority. It shall cause such fees, income and profit to be audited at least once a year by an independent, Certified Public Accountant or independent firm of Certified Public Accountants experienced in auditing accounts of governmental entities (which may be its regular auditor if such regular auditor meets the foregoing criteria), such audit to be completed no later than the general audit of the Marshfield Housing Authority's financial statements for the applicable fiscal year, and a copy of such audit shall be promptly submitted to the Town Accountant, the Town Treasurer, the Town Administrator, the Board of Selectmen, the Housing Partnership, and the Planning Board. Such audit may be combined with the general audit of the Marshfield Housing Authority as long as all matters relating to such fees, income and profit are set forth separately from all other accounts of the Marshfield Housing Authority.
6. Schedule of Fees in Lieu of Payments - Fees-in-lieu of construction payments shall be made according to the schedule set forth in Section 11.14.6 (3)., above.

11.14 8. Preferences Applicable to Buyer/Renter Selection

1. Local Preference:
 - a. Local Preference shall be given to Local Residents in the selection of eligible applicants for seventy (70%) percent of the Affordable units in a development.
 - b. Verification of local residency may require several forms of verification. The Lottery Agent shall make the determination as to the types of documentation required for verification of residency.

c. The application of Local Preference shall be in compliance with all applicable fair housing laws and LIP Guidelines.

2. Minority Preference:

a. Affirmative Marketing Goal: An affirmative marketing goal established for the Town by the DHCD shall be made part of the selection criteria for residents in all developments to which this Bylaw applies.

11.14.9 Lottery Selection of Buyer/Renter

1. The Marshfield Housing Authority or its designee shall serve as the Lottery Agent and shall assist in the development of a Marketing Plan as provided in Section 6.4 for each development to which this Bylaw applies. The Marketing Plan shall describe the buyer selection process for the Affordable units, including any lottery or similar procedure for choosing among eligible purchasers, and will provide for affirmative fair marketing of Affordable housing units. The Marketing Plan shall include Local Preference as provided in Section 11.14.6.(4).
2. The Lottery Agent shall determine income and asset eligibility of all applicants for Affordable housing according to LIP Guidelines and LIP Regulations, age restrictions, when applicable, and Local Preference described in Section 11.14.8 when conducting its marketing and lottery. There shall be no discrimination on the basis of race, creed, color, sex, age, handicap, marital status, sexual preference, national origin, or any other basis prohibited by law in the selection of occupants for the affordable housing units.
3. Prior to marketing or otherwise making available for sale or rental of any of the units, the applicant and the Lottery Agent must obtain DHCD's approval of the Marketing Plan. When submitted to the Housing Partnership for approval, the Marketing Plan shall be accompanied by a letter from the Board of Selectmen to the effect that the Town will perform any aspects of the Marketing Plan which are set forth therein as responsibilities of the Town.
4. The Lottery Agent shall be compensated by the applicant for its services as Lottery Agent in the amount and in the manner described in the approved Marketing Plan and Schedule of Fees established in accordance with Section 11.14.12 of this Bylaw.

11.14.10 Auditing Agency

1. The Marshfield Housing Authority or its designee shall serve as the Auditing Agency for all developments approved under this Bylaw and shall represent the interest of the Town and the Local Initiative Program. The Auditing

Agency shall audit all applicable developments to determine compliance with the affordability and other requirements of the LIP, this Bylaw, and to conditions relating to affordability, special permit, Regulatory Agreement, and Use Restrictions, for all applicable developments.

2. Initial Sale - The Auditing Agency will review the initial sales data and determine the compliance of the development with the affordability requirements, as described in the LIP Guidelines and LIP Regulations. The Auditing Agency shall also ensure the applicant's compliance with the approved Marketing Plan and lottery process. Upon completion of its review of initial sales data, the Auditing Agency will deliver to the Housing Partnership a copy of such data together with the Auditing Agency's determination of whether the affordability requirements have been met.
3. Re-sale - The Auditing Agency shall audit re-sales of Affordable units, including appraisal and selling price, deeds, Use Restriction, Regulatory Agreement and other applicable documents, for compliance with LIP Guidelines and LIP Regulations. The Auditing Agency shall evaluate the affordability of the unit and whether the unit should remain affordable or funds should be recaptured and turned over to the Town. Upon completion of its review of re-sales information, the Auditing Agency will deliver to the Housing Partnership a copy of its findings together with its recommendations. The Housing Partnership shall make a determination as whether the unit is to remain affordable or whether the excess proceeds should be returned to the Town. If the determination of the Housing Partnership is to retain the unit as affordable, the Auditing Agency shall locate and select an eligible buyer in compliance with the approved LIP Guidelines and LIP Regulations, marketing plan and lottery process.
4. Annual Report - The Auditing Agency shall prepare and deliver annually, an Annual Compliance Report with respect to each development to which this Bylaw pertains to the Housing Partnership regarding the construction progress (where applicable) of the applicant with respect to any Affordable units to be provided on site and any handicapped accessible units required to be provided and compliance of the applicant with all matters to be reviewed by the Auditing Agency as set forth in Section 11.14.10.1 through 11.14.10.3 above. The Annual Compliance Report shall indicate the extent of any noncompliance with such matters, describe efforts being made by the applicant to remedy such noncompliance and, if appropriate, recommend possible enforcement action against the applicant. The Auditing Agency shall deliver the Annual Compliance Report within one hundred twenty (120) days of the end of each calendar year.
5. The applicant and the Town shall submit any information, documents or certifications requested by the Auditing Agency which the Auditing Agency shall deem necessary or appropriate to evidence the continuing compliance of the applicant and the Town with the LIP and this Bylaw.

6. The Marshfield Housing Authority shall be compensated by the applicant for its services provided as Auditing Agency in the amount and in the manner described in the approved Marketing Plan and the Schedule of Fees as set forth in Section 11.14.12 of this Bylaw.

11.14.11 Maximum Incomes and Selling Prices: Initial Sale

1. To ensure that only eligible Households purchase Affordable housing units, potential buyers are required to submit all income and asset documentation to the Lottery Agent, as requested by the Lottery Agent, necessary and appropriate to determine whether the annual income exceeds the maximum level as established by the DHCD, and as may be revised from time to time.
2. The price of an Affordable unit shall be determined in accordance with the most current LIP Guidelines and LIP Regulations.
3. The occupants of an Affordable unit shall provide promptly to the Auditing Agency, all documentation requested by the Auditing Agency, for the determination of initial and continued eligibility and any other matter regarding compliance with the LIP or this Bylaw.
4. The method of determining the sale price for an Affordable unit shall be recorded on the deed as a Use Restriction on the resale of the Affordable unit.
5. The Town shall have the right of first refusal to either find a qualified buyer for the Affordable unit or to purchase the unit to ensure that it remains affordable, should a qualified buyer not be found. The right of first refusal shall be recorded on the deed as a Use Restriction.

11.14.12. Fees

1. A Schedule of Fees shall be developed and maintained by the Planning Board in consultation with the Auditing Agency, Lottery Agent, Housing Partnership and Board of Selectmen.
2. Fees established by the Planning Board shall include, but not be limited to, administrative fees, consultant fees, legal fees and any additional fees the Planning Board may determine to be appropriate for the issuance of the Special Permit and the administration of this Bylaw and the Local Initiative Program. Fees established by the Planning Board shall be subject to a public hearing prior to their adoption by the Planning Board.
3. The Lottery Agent and Auditing Agency shall establish a fee schedule to defray the cost of implementing and auditing the lottery system and the affordable units in consultation with the Planning Board, Housing Partnership

and Board of Selectmen. A copy of the fee schedule shall be forwarded to the Planning Board.

11.14.13 Criteria for Review and Approval

The Planning Board shall review all applications for Inclusionary Zoning for Affordable Housing to determine compliance of the proposal with the following criteria:

13.1 Section 11.14.1 Purpose;

13.2 Section 11.14.5 Required Standards and Dimensional Regulations;

13.3 Compatibility through design, architecture and buffering with surrounding neighborhood;

13.4 Acceptability of road layout and site design;

13.5 Preservation of important natural, historic and or archaeological resources;

The Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the Special Permit. The Board shall impose conditions in its decision as needed to ensure compliance with the Bylaw.

11.14.14 Conflict with Other Bylaws/Ordinances - The provisions of this Section of the Bylaw shall be considered supplemental to the other provisions of the Zoning Bylaws. To the extent that any conflict exists between this Section of the Bylaw and others, the more restrictive provision shall apply.

11.14.15 Severability - If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of the Bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this Bylaw shall not affect the validity of the remainder of the Town's Zoning Bylaw.

PASSED BY 2/3 VOTE

ARTICLE 16 The Town **VOTED** to amend the Marshfield Zoning Bylaws as follows:

3. Amend Article 12, by replacing the current language with the following.

**ARTICLE XV
FLOODPLAIN ZONING**

Section Purpose - The purposes of this Bylaw are to: protect human life and health and
15.01 minimize danger to emergency response officials in the event of flooding; minimize expenditure of public money for flood control projects and emergency response and clean up; reduce damage to public and private property and

utilities resulting from flooding waters and debris; and ensure that the Town of Marshfield qualifies for participation in the National Flood Insurance Program.

Section 15.02 Applicability - This Bylaw applies as an overlay district to all Areas of Special Flood Hazard located within the jurisdiction of the Town of Marshfield and designated as Zone A, AE, AH, AO, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Marshfield are panel numbers 25023C0116J, 25023C0117J, 25023C0118J, 25023C0119J, 25023C0136J, 25023C0137J, 25023C0138J, 25023C0139J, 25023C0143J, 25023C0207J, 25023C0226J, 25023C0227J, 25023C0228J, 25023C0229J, 25023C0231J, 25023C0232J, 25023C0233J, 25023C0234J, 25023C0237J, and 25023C0241J, dated July 17, 2012. This area shall be known as the Floodplain District. The exact boundaries of the District may be defined by the base flood elevations shown on the FIRM and further defined by the FEMA Plymouth County Flood Insurance Study (FIS) booklet dated July 17, 2012. The FIRM and FIS booklet are incorporated herein by reference. In the event any provisions of this bylaw are in conflict with requirements for any other districts, the more restrictive regulation shall take precedence.

Section 15.03 Floodplain Permits - Permits for development and uses of land within the Floodplain District shall be required for the following. Such applications shall be obtained prior to or in conjunction with building permits if necessary:

1. new construction of residential and non-residential structures;
2. substantial improvement (as defined) of any existing structure;
3. expansion of the footprint of any existing structure;
4. alteration of topography (as defined).

Section 15.04 Contents of Applications - Applications for floodplain permits shall be made to the Building Inspector except where indicated below. Applications shall contain:

1. elevation in relation to mean sea level of the lowest floor (including basements or cellars) of all existing and proposed structures;
2. elevation in relation to mean sea level of existing and proposed floodproofing;
3. signed statement by a registered professional engineer or architect that the requirements of this Bylaw have been met; (NOTE: The above-referenced

requirements may be met through submission of a FEMA Elevation Certificate.)

4. plans for any breakaway walls to be used to enclose space below the base flood elevation (in V zones);
5. description of topographic alterations including existing and proposed grades and a delineation of the Special Flood Hazard Area boundary line;
6. site plan certified by a registered land surveyor showing all existing and proposed natural and constructed features on the property. The site plan shall include a notation of the Special Flood Hazard Area designation for all existing and proposed structures.
7. base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within Zone A, where such data is not provided on the FIRM.

Section 15.05 Standards - Areas of Special Flood Hazard - All permits granted under Section 3 above shall be subject to the following provisions:

1. All development and redevelopment, whether permitted by right or by special permit, shall be in accordance with the standards of the Massachusetts State Building Code, the Wetlands Protection Act (Chapter 131, Section 40) and regulations (310 CMR 10.00, 310 CMR 13.00, and 310 CMR 12.00), septic system regulations (310 CMR 15, Title 5), and all other applicable federal, state and local requirements. Any variance from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
2. No alteration of topography shall be permitted where it may result in increased runoff or drainage to the detriment of other property owners or the Town.
3. Certification by a registered professional engineer or architect for all floodproofing measures shall be required.
4. Storage of fuel oil, toxic or hazardous materials below the base flood elevation shall be floodproofed.
5. Within Zones AH and AO, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section 15.06 Additional Requirements in Velocity (V) Zones - If proposed construction or alteration of topography is located within a V Zone on the FIRM maps, all floodplain permits granted under Section 3 above shall be subject to the following additional requirements:

1. All new construction within V Zones shall be located landward of the reach of mean high tide.
2. Man-made alteration of coastal dunes within V Zones is prohibited where such alteration could result in increased flood damage.

Section 15.07 Floodways - All encroachments, including fill, new construction, substantial improvements to existing structures, and other development is prohibited in the floodway as designated on the Marshfield FIRM maps. Along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to determine the extent of the floodway.

Section 15.08 Administration - The Building Inspector shall administer this Bylaw as follows:

1. Review proposed construction and alteration of topography within the Floodplain District to assure that all necessary permits have been received from those federal, state and local governmental agencies from which approval is required and ensure that the requirements of this Bylaw have been met.
2. Maintain records of the elevation of the lowest floor (in relation to NGVD), including basement, of all new or substantially improved structures. In addition, maintain records as to whether or not such structures contain a basement.
3. If a structure has been floodproofed, maintain records of the elevation of the lowest floor and the elevation to which the structure was floodproofed, including the required engineering certification.
4. Maintain for public inspection all records pertaining to the provisions of this bylaw.
5. Provide notice to the following of any alterations or relocation of a watercourse and ensure that such activity does not diminish the flood carrying capacity of such watercourse:
 - Adjacent Communities

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Section 15.09 Special Permits

1. The Zoning Board of Appeals may grant a Special Permit modifying the performance standards in 15.05 and 15.06 for the following:
 - a. Non-residential structures such as boathouses, boatyards, structures designed for education and research, the nature of which require their location within the Floodplain District; and
 - b. Restoration and reconstruction of structures listed in the National or State Register of Historic Places.
2. Special Permits shall only be issued upon a determination by the Zoning Board of Appeals that:
 - a. failure to grant the Special Permit would result in exceptional hardship to the applicant;
 - b. the granting of a Special Permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing bylaws; and
 - c. the relief granted is the minimum necessary considering the flood hazard.
 - d. all subdivision proposals are designed to assure that such proposals minimize flood damage; all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided to reduce exposure to flood hazards.
3. Any applicant to whom a Special Permit is granted shall be given written notice that the proposed development may result in increased risk to life and property and increased flood insurance premium rates.
4. The Zoning Board of Appeals, as the Special Permit Granting Authority (SPGA), may adopt rules and regulations relative to the issuance of such

Special Permits and file a copy with the Town Clerk. The Board shall follow the procedural requirements for Special Permits as set forth in Chapter 40A, Section 9.

(Section XV Floodplain Zoning Amended April 2006 ATM)
(Section XV Floodplain Zoning Amended April 2012 ATM)
(Section XV Floodplain Zoning Amended April 2015 ATM)

PASSED BY 2/3 VOTE

ARTICLE 17 The Town **VOTED** to amend the Marshfield Zoning Bylaws as follows:

4. Amend Article 13.04, Storm Water Management Overlay District, by replacing the current language with the following.

Section 13.04 Storm Water Management Overlay District

1. Purpose - The purpose of the Storm Water Management Overlay District is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development storm water runoff and non-point source pollution associated with new development and redevelopment. These objectives will be met by regulating new construction, construction of impervious surfaces, the removal of natural vegetation, especially large trees, and the excavation and alteration of land, in order to minimize erosion, sedimentation, flooding, water pollution, and other adverse impacts of development within the Overlay District or any adjacent low lying areas.
2. Scope of Authority - The Storm Water Management Overlay District is established as an overlay district and shall be superimposed on other zoning districts established by this Bylaw. All regulations of the Marshfield Zoning Bylaw applicable to the underlying districts shall remain in effect, except that where the Storm Water Management Overlay District imposes additional regulations, such regulations shall prevail.
3. District Boundaries – The boundaries of the Storm Water Management Overlay District are delineated on the Official Zoning Map.
4. Applicability – The following types of development within the Storm Water Management Overlay District are subject to review by the Building Inspector. Notwithstanding other provisions of this Bylaw, no land development within the Storm Water Management Overlay District shall be permitted and no

building permit shall be issued until the provisions of the Storm Water Management Overlay District regulations have been met. Development activities subject to the Storm Water Management overlay district design standards include the following:

- 4.1 The construction of a new dwelling or principle structure;
 - 4.2. Any substantial alteration or addition to any dwelling or other structure, if such action enlarges the footprint of the structure by more than 200 square feet;
 - 4.3 The removal, filling, excavation or alteration of earthen materials if such alteration changes pre-existing topography and drainage characteristics of the property in a manner that may adversely impact abutting property owners.
 - 4.4 The removal or destruction of more than 5 mature trees having a diameter of six inches or greater, measured four feet from the ground surface. This limitation on cutting of mature trees does not apply to trees that are to be removed for construction of a street, dwelling, driveway, walkway, septic disposal system, or a retaining wall. Other trees may be removed if in the opinion of the Tree Warden the trees are dead, dying or are diseased trees that represent a safety hazard to public health or property.
 - 4.5 Any activity that increases the impervious coverage on any lot that causes additional volumes of runoff to discharge on abutting properties that may cause flooding and adversely impact abutting property owners.
5. Development Performance Standards – All new construction, substantial alterations, excavation, filling, grading or tree cutting described above in Section 4, shall comply with the following development standards.
- 5.1 For lots ranging in size from 5,000 to 7,499 square feet, the following development limitations shall apply.
 - a. Building area shall not exceed 16% of the land area of any lot.
 - b. Impervious surfaces shall not exceed 25% of the land area of any lot.
 - c. A minimum of 15% of the lot shall remain undisturbed with existing natural vegetation.
 - 5.2 For lots ranging in size from 7,500 to 9,999 square feet, the following development limitations shall apply.
 - a. Building area shall not exceed 15% of the land area of any lot.
 - b. Impervious surfaces shall not exceed 22% of the land area of any lot.
 - c. A minimum of 25% of the lot shall remain undisturbed with existing natural vegetation.

- 5.3 For lots ranging in size from 10,000 square feet to 19,999 square feet in area the following development limitations shall apply.
- a. Building area shall not exceed 15 % of any lot area.
 - b. Impervious surfaces shall not exceed 20 % of the lot area.
 - c. A minimum of 35 % of the lot area shall remain undisturbed with existing natural vegetation.
- 5.4 In the Storm Water Management Overlay District, the removal of native vegetation, especially large trees having a diameter of six inches or greater, measured four feet from the ground surface, shall be minimized. Trees may only be removed for construction of streets, structures, driveways, retaining walls, walkways, utilities and septic systems. Selective clearing of not more than 5 trees for lawns shall be designated on the site plan.
- 5.5 To the maximum extent feasible, post development runoff shall not exceed pre-development runoff. All roof runoff shall be retained and recharged on site in drywells or infiltration basins covered by natural vegetation which shall be designed to accommodate a 1" rainfall within a 24 hour period.
- 5.6 Sediment and erosion control measures as required by the Building Inspector or designee shall be employed to minimize the impacts during and after construction.
6. Permit Procedures & Requirements – Any activity listed above in Section 4 requires copies of plans to be submitted to the Planning Board, Conservation Commission, Department of Public Works, and Board of Health for review and recommendations. Said Boards shall have 21 days to provide comments to the Building Inspector. If no comments are received within the 21 days, the Building Inspector may proceed with the issuance of the building permit.

PASSED BY 2/3 VOTE

ARTICLE 18 The Town **VOTED** to replace the existing Article 73 with the following:

ARTICLE 73: SCENIC ROAD ACT BYLAW

Section 1 Purpose - The purpose of this Bylaw is to ensure that streets and roads which have been designated as Scenic Roads are not altered, repaired, reconstructed, or paved in such a manner as to involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, except with the prior written consent of the Planning Board, and to establish proper procedures, standards and conditions for obtaining approval from the Planning Board and, when appropriate, the Tree Warden.

Section 2 Authority - This Bylaw is enacted pursuant to authority vested in the Town by Mass. Gen. Law, Chapter 40, section 21, section 15C and Chapter 87 section 2.

Section 3 Streets Subject To Provisions Of The Scenic Road Act – The following streets and roads have been designated by the Town as Scenic Roads pursuant to MGL c. 40, § 15C (listed by name and date of designation):

Acorn Street (1976)
Bow Street (1977)
Canal Street (1976)
Canoe Tree Street (1977)
Church Street (1974)
Cornhill Lane (1977)
Cross Street (1997)
Dog Lane (1977)
Elm Street (1997)
Ferry Street (1974)
Forest Street (1976)
Highland Street (1974)
Marginal Street (1977)
Maryland Street (1997)
New Street (1977)
Old Main Street (1976)
Old Main Street Extension (1976)
Old Mount Skirgo (1977)
Old Ocean Street (1996)
Old Plain Street (1976)
Parsonage Street (1974)
Pine Street (1974)
Pleasant Street (1976)
Prospect Street (1977)
Pudding Hill Lane (1976)
School Street (1974)
South River Street (1974)
Spring Street (1974)
Summer Street (1974)
Union Street (1974)
Webster Street (1976)
Willow Street (1977)
Winslow Cemetery Road (1974)
Winslow Street (1976)

Section 4 Procedure To Designate Road A Scenic Road - The Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission or by petition of citizens of the Town (consistent with petition requirements to place an Article on the Warrant) may propose that a street or way in the town be designated as a scenic road within the meaning of Mass. Gen. Law, Chapter 40, Section 15C other than a street or way with a numbered route or that which is considered to be a state highway. In order to be eligible for such a designation, streets or ways must also meet the following minimum criteria:

- a. The Street or way must be bordered by trees of exceptional quality; and /or
- b. The street or way must be bordered by stone walls; and/or
- c. The street or way must be bordered by other natural or man-made features of aesthetic or historic value.

The Planning Board shall hold a public hearing on the petition, after notifying the Selectmen, the Tree Warden, the DPW Superintendent, the Conservation Commission and the Historical Commission of the time, date, place and purpose of the hearing, and advertising the time, date place and purpose of the hearing twice in a newspaper of general circulation in the area; the first advertisement at least fourteen (14) days prior to the date of the public hearing and the last publication to occur at least seven (7) days prior to such hearing.

Based on the information presented at the public hearing, the Planning Board shall make a recommendation to the Town Meeting on the merits of designation of the proposed road as a scenic way. A majority vote of Town Meeting is required for designation. Such designation shall be effective as of the date of Town Meeting action.

Section 5 Definitions – In the absence of contrary meaning established through legislation or judicial action pursuant to MGL c. 40, § 15C, these terms contained in that statute shall be construed as follows:

CUTTING OR REMOVAL OF TREES - Shall not be construed to include routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots or whole trees as determined by the Tree Warden, or sound limbs, trunks or roots of a tree with a diameter six (6) inches or larger measured 1 foot above ground level, that hinders a public way as determined by the Tree Warden.

REPAIR, MAINTENANCE, RECONSTRUCTION OR PAVING-WORK - Any work done within the right-of-way by any person or agency, public or private. Construction of new driveways or alterations of existing ones is also included to the extent that such work takes place within the right-of-way.

ROAD RIGHT-OF-WAY - The entire right-of-way including, but not limited to, a vehicular traveled way, plus its necessary appurtenances within the right-of-way, including bridge structures, drainage systems, retaining walls, traffic control devices, pedestrian facilities and the air space above them, but not intersecting streets or driveways. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stone walls are within the right-of-way, the boundary shall be determined in accordance with MGL c. 86.

STONE WALLS - Shall not be construed to include assemblages of stone involving less than 1 cubic foot of wall material per linear foot (above the existing grade) nor totaling less than 5 feet in length.

TEARING DOWN OR DESTRUCTION OF STONE WALLS - Shall not be construed to include temporary removal and replacement within 30 days at the same location with the same materials.

TREES - Any woody plants with a trunk 2 inches or greater diameter providing visual or noise screen or aesthetic value or having a trunk diameter with a diameter of six (6) inches or larger, 1 foot above the ground.

Section 6 Design Standards – A Scenic Road application shall conform to the following design Standards:

A. Where stone walls exist, the maximum amount of stone wall to be removed shall be limited to a maximum of twenty four (24) feet width.

(1) Removed stone shall be used to repair other sections of the wall along the road.

(2) No wall shall be cut without construction of tapered ends turning back onto the lot along the drive (see attached drawing).

B. No tree with a trunk exceeding eight (8) inches in diameter four feet above the ground level shall be cut for a driveway unless the curb cut cannot be safely located otherwise; clusters of trees located within 6 feet of each other with individual trunks of six (6) inches in diameter, 1 foot above ground level, shall not be cut for a driveway unless the curb cut cannot be safely located otherwise.

C. For each tree exceeding six (6) inches in diameter, 1 foot above ground level removed, a tree in a species and location suitable to the Planning Board and Tree Warden shall be planted or the amount for the planting of a tree to be donated to the Tree Fund to be used at the discretion of the Tree Warden.

Section 7 Procedures to Obtain Approval to Alter, Repair, Reconstruct, or Pave a Scenic Road Involving Cutting or Removal of trees, or Tearing Down or

Destroying Stone Walls - Any person or organization seeking consent of the planning board under Mass. Gen. L. c. 40, § 15C, (the Scenic Road Act) regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, in connection with the repair, maintenance, reconstruction or paving work on scenic roads, shall submit a written request to the Planning Board by filing such request with the Town Clerk, with a copy to the Tree Warden, together with the following:

- A. A completed application form.
- B. A plan showing the location and the nature of the proposed action and a description of the proposed changes to trees and stone walls. Two copies of the plan showing the proposed changes are required.
- C. A statement of the purpose(s) for the changes.
- D. Notice of the public hearing, which shall include the size, type and location of the trees(s) and/or stone wall to be cut or removed shall be given by publication in a newspaper of general circulation in the Town of Marshfield once in each of two successive weeks, the last publication of said notice to occur at least seven (7) days before the day of the hearing.
- E. Any tree(s) proposed to be removed shall be flagged (with red tape) a minimum of fourteen (14) days before the day of the hearing.
- F. Portions of any stone wall to be removed shall be staked and flagged (with red tape) a minimum of fourteen (14) days before the day of the hearing.
- G. Except in the case of Town agencies, a filing fee of \$200 shall be paid.
- H. Photograph(s) of the existing site showing the area to be affected by work on the scenic road in question. All photographs must be signed and dated by the applicant.
- I. Any further explanatory material useful to adequately inform the Tree Warden and/or Planning Board prior to the public hearing.

Section 8 Hearing - The Planning Board and Tree Warden shall hold a joint public hearing within 45 days from the date on which notice of submittal is received by the Town Clerk. The decision of the Planning Board shall be filed within 14 days of the close of the public hearing with the Town Clerk. Copies of the decision shall also be sent to the applicant, the Tree Warden, the Building Inspector, the Conservation

Commission, the Historical Commission and those persons who have requested a copy of the decision.

Section 9 Considerations - In acting in regard to a scenic road, the Planning Board and Tree Warden shall consider the following:

- A. Preservation of scenic and aesthetic characteristics;
- B. Preservation of natural resources, environmental and historical values;
- C. Public safety, traffic volume and congestion;
- D. Compensatory actions proposed, such as replacement of trees or walls;
- E. Financial and other consequences of design revision to avoid or reduce damage to trees or stone walls;
- F. Other site specific factors.

Section 10 Violations - Any person violating the provisions of the second paragraph of the Massachusetts Scenic Roads Act (Mass. Gen. Law, Chapter. 40, Section 15C) shall be punished by a fine of three hundred dollars (\$300.00) per day. For the purpose of this section, fines may be assessed by the Zoning Enforcement Officer and or a police officer of the Town of Marshfield. Each day during which such a person continues to be in violation of the provisions of said Act shall be considered to be a separate violation for the purpose of the assessment of fines under this Bylaw. Violations of the bylaw may be handled by noncriminal disposition in accordance with Mass. Gen. Law, Chapter 40, Section 21D

PASSED BY MAJORITY VOTE

AUTHORIZE SPECIAL ACT LEGISLATION PETITON TO CHANGE MEMBERSHIP OF REGIONAL PLANNING COMMISSION

ARTICLE 19: The Town **VOTED** with the approval of the Board of Selectmen, to submit special act legislation to General Court to permit, notwithstanding the provisions of Chapter 40B, 26 or any other applicable law to contrary, to withdraw its membership in the Metropolitan Area Council, a regional planning district, including without limitation, be deleting the Town of Marshfield, from the list of communities as within the metropolitan area planning district and allowing the Town of Marshfield to join another regional planning district subject to the requirements of Gen L. c. 40B, or take any action relative thereto,.

PASSED BY MAJORITY VOTE

ARTICLE 20 The Town **VOTED** upon termination of membership with Metropolitan Area Planning Council, become a member of the Old Colony Planning Council as provided for under Chapter 332 of the Acts of 1967, or take any action relative thereto.

PASSED BY 2/3 VOTE

ARTICLE 21 The town **PASSED OVER** raising and appropriating a sum of money for the purpose of providing Senior Citizen Real Estate Tax Vouchers for services rendered pursuant to an agreement to be formulated between the Council on Aging and the Board of Selectmen, or take any other action relative thereto.

PASSED OVER BY MAJORITY VOTE

ARTICLE 22 The Town **VOTED** to act upon the recommendation of the Community Preservation Committee for the fiscal year beginning July 1, 2015 to expend, or set aside for later expenditure, a sum of money from the Community Preservation Fund established pursuant to Massachusetts General Laws Chapter 44B as follows:

The Town Accountant is instructed to defray the aforesaid expenditures in the following manner:

Item 1 – Restoration of Tombstones and Graves at Marshfield Hills Cemetery

The Town **VOTED** that the sum of \$481,177 be appropriated as follows: \$279,827 from Community Preservation Fund Historic Reserves, \$49,847 from FY 2016 Community Preservation Fund receipts and \$151,503 from the Community Preservation Undesignated Funds to restore tombstones and graves at the Marshfield Hills Cemetery, said funds to be expended under the direction of the Historic Commission and Department of Public Works.

PASSED BY MAJORITY VOTE

Item 2 – Harbor Park Walkway

The Town **VOTED** that the sum of \$896,212 be appropriated as follows: \$120,329 from Community Preservation Fund Open Space Reserve, \$625,065 from the Community Preservation Fund FY2016 revenues and \$150,818 from Community Preservation Undesignated Funds to construct the Harbor Park Sidewalk, said funds to be expended under the direction of the Harbormaster and Department of Public Works.

PASSED BY MAJORITY VOTE

Item 3 – Daniel Webster Playground Structure

The Town **VOTED** that the sum of \$80,000 be appropriated from Community Preservation Fund Open Space Reserves to restore the playground structure at the Daniel Webster School, said

funds to be expended under the direction of the DWS PTO and the Department of Public Works.

PASSED BY MAJORITY VOTE

Item 4 – Restoration of Historic Photographs

The Town **VOTED** that the sum of \$2,000 be appropriated from Community Preservation Fund Historic Reserves to restore and preserve early photographs of the Town of Marshfield donated to the Marshfield Historical Society, funds to be expended under the direction of the Historic Commission and Marshfield Historic Society.

PASSED BY MAJORITY VOTE

Item 5 – Restoration of Historic Town Records

The Town **VOTED** that the sum of \$150,000 from Community Preservation Fund FY2016 revenues be appropriated to restore, preserve and digitize early records and record books of the Town of Marshfield dating back to approximately 1640, said funds to be expended under the direction of the Historic Commission and Town Clerk.

PASSED BY MAJORITY VOTE

Item 6 – Open Space Trails and Kayak Launch

The Town **VOTED** that the sum of \$148,640 be appropriated from FY2016 Community Preservation Fund revenues to create trails, a parking area and a kayak launch at the Pratt property and adjacent town property along the South River, said funds to be expended under the direction of the Open Space and Recreation Committee and Conservation Committee.

PASSED BY MAJORITY VOTE

Item 8 – Historical: Restoration of the Winslow Schoolhouse

The Town **PASSED OVER** appropriating the sum of \$42,196 from Community Preservation Fund FY2016 revenues to restore the Winslow Schoolhouse, said funds to be expended under the direction of the Historic Commission and the Marshfield Historic Society.

PASSED OVER BY MAJORITY VOTE

Item 9 – Community Housing: Affordable Housing Coordinator

The Town **VOTED** to appropriate and reauthorize the sum of \$81,982 said funds having been approved in prior fiscal years to the Community Preservation Fund Affordable Housing Fund, to fully fund the position of Affordable Housing Coordinator for FY16, said funds to be expended under the direction of the Marshfield Housing Partnership.

PASSED BY MAJORITY VOTE

Item 10 – Open Space 10% Statutory Reserve

The Town **VOTED** the sum of \$177,000 be appropriated from FY2016 Community Preservation Fund revenues to the Community Preservation Fund Open Space/Recreation Reserve.

PASSED BY MAJORITY VOTE

Item 11 – *Historic 10% Statutory Reserve*

The Town **VOTED** that the sum of \$177,000 be appropriated from FY2016 Community Preservation Fund revenues to the Community Preservation Fund Historic Reserve.

PASSED BY MAJORITY VOTE

Item 12 – *Affordable Housing 10% Statutory Reserve*

The Town **VOTED** the sum of \$177,000 be appropriated from FY2016 Community Preservation Fund revenues to the Community Preservation Fund Affordable Housing Reserve.

PASSED BY MAJORITY VOTE

Item 13 – *Administration 5% Statutory Reserve*

The Town **VOTED** that the sum of \$88,500 be appropriated from FY2016 Community Preservation Fund revenues for FY2016 Administrative Expenses, said funds to be expended under the direction of the Community Preservation Committee.

PASSED BY MAJORITY VOTE

ARTICLE 23 The Town **PASSED OVER** with a two third's vote, transfer the property and land at Veteran's Honor Roll in South River Park from the Department of Public Works to the Trustees of Veteran's Memorial Park or take any other action relative thereto.

PASSED OVER BY MAJORITY VOTE

ARTICLE 24 The Town **DEFEATED** raising and appropriating from FY2015 tax levy and or authorize the Board of Selectmen to transfer from available funds or borrow \$600,000 for the following sidewalk repairs and traffic improvements of the Brant Rock Esplanade, the installation of granite curb and bituminous concrete sidewalks on the easterly side, granite curb on the median, cement concrete on the westerly side and traffic safety improvements on the southerly end at Ocean Street and Island Street intersection. Said funds to be expended under the direction of the Superintendent of

Public Works and general supervision of the Board of Public Works, or take any other action relative thereto.

**DEFEATED BY 2/3 VOTE
YES 15 NO 92**

ARTICLE 25 The Town **PASSED OVER** raising and appropriating the sum of \$2,000.00 from available funds for the support of the Marshfield Branch of the YWCA Cambridge.

PASSED OVER BY MAJORITY VOTE

ARTICLE 26 The Town **PASSED OVER** accepting Windchime Lane as a public way.

PASSED OVER BY MAJORITY VOTE

ARTICLE 27 The Town **PASSED OVER** accepting Seth Sprague Drive, Proprietors Drive and Old Wood Lot Lane as public ways.

PASSED OVER BY MAJORITY VOTE

TOWN MEETING RESOLUTION

Will Town Meeting approve a resolution directing the Board of Selectmen to hold a hearing, the purpose of which will be to discuss the creation of a Charter Review Committee charged with making a long overdue comprehensive review of the Town Charter..

PASSED BY MAJORITY VOTE